

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 544 – SB 544

March 16, 2015

SUMMARY OF ORIGINAL BILL: Enacts the Senior General Sessions and Juvenile Judge Enabling Act.

Creates a program (senior judges program) within the Administrative Office of the Courts (AOC) where judges with at least six years of experience as a general sessions judge or juvenile judge may request to be designated as a senior general sessions judge or senior juvenile judge. The judge shall file an application with the AOC agreeing to be available to sit as a judge for 30 weeks out of each successive 12-month period. The judge must take an oath and agree to abide by the code of judicial conduct.

A judge shall be designated as a senior judge for a period of two years, renewable at the discretion of the Supreme Court.

When a senior judge is needed the Supreme Court shall issue an order assigning a senior judge to a court for a specified duration. The senior judge shall be paid \$100 per hour the senior judge appears in court. Senior judges will also receive travel reimbursement if they travel outside of their county of residence to serve as a senior judge.

The bill creates a dedicated revenue source for the purposes of administering the senior judges program and paying the senior judges for their service. The AOC shall manage the funds received from the dedicated revenue source and shall administer the senior judges program.

The bill adds \$1.00 to the electronic citation fee found in Tenn. Code Ann. § 55-10-207(e)(1). The \$1.00 shall be collected by the clerk and transmitted to the AOC. The AOC is entitled to 10 percent of the revenue generated to partially offset the cost of the senior judges program.

Requires local county or municipal governments to provide office space and personnel to the senior judges.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – The electronic citation fee under Tenn. Code Ann. § 55-10-207(e)(1) has yet to generate any revenue, but it is assumed that there will be revenue generated in subsequent fiscal years. Until such revenues are generated, no funds exist to fund the Senior General Sessions and Juvenile Judge Enabling Act. Further, based on the estimates in the fiscal note for Public Chapter 750 of 2014, the dedicated revenue source may generate approximately \$70,000 for the program which is not enough to fully offset the \$155,071 in expenses of the senior judges

program. An additional funding of at least \$7,000 will be necessary to cover the administrative expenses of the senior judges program. It is assumed that once the dedicated revenue source does generate revenue, the AOC will expend all of the funds to pay senior judges and there will be no ending balance at the end of each fiscal year.

SUMMARY OF AMENDMENT (004221): Requires judges seeking commission as senior judge to have six years of experience in this state and to have retired in good standing with the board of judicial conduct.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Under current law, if a judge needs to be absent from court, the judge may seek a special judge to sit. The judge must first seek to find another judge to sit by interchange pursuant to Tenn. Code Ann. § 17-2-208. If the judge is unsuccessful, then the judge may ask the AOC for assistance in finding a special judge. If all else fails, then the judge may appoint a lawyer to sit with limitations.
- The bill would give the judge a fourth option. If interchange is unsuccessful, then the judge may seek to have a senior judge appointed.
- The AOC reports that it receives approximately 231 requests for designations each year. Approximately 200 of these would be filled by senior judges under the bill. It is assumed that each judge would sit for four hours each day. The AOC also reports that it has no data on the number of judges who sit by interchange, but it is assumed that the number of judges sitting by interchange will reduce and demand on the senior judges program will be greater than the current demand on special judges designated by the AOC. It is assumed that 350 requests for senior judges will be made each year.
- It is assumed that demand on the program would be approximately \$140,000 (350 judges x 4 hours x \$100 per hour).
- The AOC will need to hire a part-time employee to administer the program. This person would organize the senior judges' applications, the supreme court orders assigning a senior judge, and perform other administrative tasks. The part-time employee would receive a salary of \$14,000. The total cost for the part-time employee will be \$15,071 [\$14,000 salary + (\$14,000 x .0765) FICA].
- The total demand on the senior judges program will be approximately \$155,071 (\$140,000 + \$15,071).
- The dedicated revenue source will come from the electronic citation fee in Tenn. Code Ann. § 55-10-207(e)(1). The bill adds \$1.00 to this fee.
- The AOC reports that this fee has yet to generate any revenue. The fee was established by Public Chapter 750 of 2014. The fiscal note for that chapter estimated that approximately 70,000 electronic citations each year would be assessed the fee.

- Adding \$1.00 to the current fee will generate approximately \$70,000 in annual revenue for the senior judges program. Even when the dedicated revenue source does start generating revenue for the senior judges program, it will not generate enough to meet the demands of the program. Specifically, the 10 percent (\$7,000) that the AOC is entitled to retain to partially offset the expenses of the senior judges program will not cover the estimated \$15,100 it will cost to administer the senior judges program. An additional appropriation will be necessary to cover the administration of the program.
- The bill mandates that the judges be paid from the dedicated revenue source. The senior judges program will not incur any expenses until such time that enough revenue has been generated to pay senior judges for their service.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, reading "Jeffrey L. Spalding". The signature is fluid and cursive, with the first name "Jeffrey" and last name "Spalding" clearly legible.

Jeffrey L. Spalding, Executive Director

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